



General Assembly

January Session, 2007

Amendment

LCO No. 7105

HB0701807105HDO

Offered by:
REP. CARUSO, 126th Dist.

To: House Bill No. 7018

File No. 172

Cal. No. 196

"AN ACT CONCERNING IDENTIFICATION OF HARVESTED SHELLFISH."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) The Department of
4 Agriculture may, upon written request of a municipality, enter into a
5 memorandum of understanding with such municipality to authorize
6 the health department or similar agency of the municipality to collect
7 sea water samples for the purpose of shellfish harvest water
8 classification. The memorandum of understanding shall not limit the
9 geographic area from which the municipality may collect such samples
10 and shall not be construed to prevent the municipality from collecting
11 or processing samples for the purpose of improving shellfish harvest
12 water classification. The Department of Agriculture shall provide
13 guidance to the municipality regarding record keeping and sample
14 collection and transport. The municipality shall provide training to any
15 employees or agents it designates to take such samples.

16 (b) Samples collected by a municipality shall be collected and
17 processed in accordance with the National Shellfish Sanitation
18 Program Model Ordinance, as amended from time to time. Such
19 samples shall be processed by a laboratory certified pursuant to said
20 ordinance. The analysis of a sample processed in a laboratory other
21 than a Department of Agriculture laboratory shall be transmitted
22 directly to said department's Bureau of Aquaculture and to the
23 municipality that submitted the sample.

24 (c) The municipality may, but shall not be required to, assist the
25 Department of Agriculture in sample collection in post rainfall
26 conditions, spill events or routine sampling requirements. The
27 Department of Agriculture shall accept all sample data analysis from
28 samples collected by municipalities pursuant to this section and said
29 department shall include such data analysis in any data base, report,
30 file, calculation or process used by said department to determine or
31 report water quality classification or reclassification.

32 Sec. 502. Section 26-241 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective July 1, 2007*):

34 (a) All stakes, buoys or other markers placed by any person, except
35 buoys placed by the state, so as to mark the divisional line, in whole or
36 in part, between any private and any public or natural oyster, clam or
37 mussel beds, in any waters of this state, shall have the name or initial
38 of the owner plainly marked and visible at high water. Any
39 corporation or person who fails to comply with the provisions of this
40 section shall have committed an infraction.

41 (b) A buoy marking oyster, clam or mussel beds pursuant to
42 subsection (a) of this section or section 26-240 shall be constructed with
43 rigid polystyrene foam or similar buoyant material. Such buoy shall
44 support a vertical pole extending not less than ten feet above the top of
45 such buoy and shall be tethered by a rope or line to an anchoring
46 device of sufficient weight to maintain the position of the buoy. The
47 vertical pole shall not exceed three and one-half inches in diameter at

48 any point and shall not be constructed of a metallic material. A durable
49 waterproof flag not less than six inches in height and eight inches in
50 length shall be affixed to the top of the pole.

51 Sec. 503. (NEW) (*Effective from passage*) (a) The town of Westport, on
52 behalf of the Westport Shellfish Commission, shall enter into a
53 memorandum of understanding with the Commissioner of Agriculture
54 regarding recreational clamming on shellfish grounds commonly
55 known as Cockenoe Flats in said town. The memorandum shall be
56 valid for a period of five years and shall specify the geographic
57 boundaries of Cockenoe Flats. The memorandum shall include, but not
58 be limited to: (1) The issuance of recreational clamming permits,
59 including permit fees of not greater than ten dollars, for the use of said
60 grounds by all state residents, (2) the provision of adequate free
61 parking, to be provided by the town of Westport, for residents of the
62 state who have been issued permits to harvest shellfish from said
63 grounds, (3) a waiver of permit fees for persons of low income, (4) a
64 competitive bidding process to select persons or entities to seed clam
65 beds, and (5) specific clam harvest size and catch limits.

66 (b) The Commissioner of Agriculture and the town of Westport
67 shall collectively hold not less than five public hearings regarding the
68 memorandum of understanding required by subsection (a) of this
69 section. Not less than three of the hearings shall take place in
70 municipalities, other than the town of Westport, in which a significant
71 number of persons reside who may reasonably be expected to obtain
72 recreation permits to harvest shellfish from Cockenoe Flats. Said
73 commissioner and town shall give notice of such hearings on the
74 town's and the Department of Agriculture's Internet web sites and
75 shall also cause notice of such hearings to be published at least once
76 not more than thirty days and not fewer than ten days before the date
77 set for such hearings in a newspaper or newspapers having a general
78 circulation in the municipality or municipalities where such hearings
79 will be held. After considering the testimony given at such hearings
80 and any other facts which may be deemed pertinent, said town and
81 said commissioner shall finalize the memorandum of understanding or

82 modify such memorandum as appropriate. A copy of the
83 memorandum, together with a copy of a chart depicting the boundary
84 lines of Cockenoe Flats as designated in the memorandum, shall be
85 filed in the town clerk's office of all municipalities in which such
86 boundaries are located. Said commissioner and said town shall also
87 post the memorandum and chart on their respective Internet web sites
88 and cause a copy of such memorandum to be published in a
89 newspaper or newspapers having a general circulation in the
90 municipality or municipalities where such boundaries are located.

91 (c) The provisions of this section shall not be construed to transfer
92 ownership of any part of Cockenoe Flats in the town of Westport from
93 the state of Connecticut to the town of Westport or to any other
94 political subdivision of the state.

95 Sec. 504. (NEW) (*Effective from passage*) A resource assessment
96 permit issued by the Department of Agriculture for the purpose of
97 assessing the viability of a shellfish area shall not authorize more than
98 one hundred acres of assessment area per permit. Said department
99 shall require the placement of buoys at each corner of the assessment
100 area, as defined by the permit applicant, prior to the start of any
101 assessment. Said department shall notify all abutting shellfish ground
102 owners or lease holders of the issuance of such permit not later than
103 five days prior to the effective date of the permit."